

REMARKS

The Examiner is thanked for the very thorough office action and the suggestions for the amendment of the claims. Pursuant to that office action, Claims 1, 3, 4, 6, 8, and 12 have been amended to more definitely set forth the invention and obviate the rejection. Support for the amendment of Claim 1 can be found in the Specification on page 8, last paragraph. The amendment of the other claims concern, for the most part, grammatical corrections. The present amendment is deemed not to introduce new matter. Claims 1-13 remain in the application.

Reconsideration is respectfully requested of the rejection of Claims 1-13 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 1 has been amended to indicate that the plurality of longitudinally connected protrusions are generally parallel to the longitudinal axis of the bed. This amendment is believed to obviate the rejection which is now believed to be moot. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claims 1-13 under 35 U.S.C. § 103(a) as being unpatentable over Toran in view of Shirai.

In the discussion of the Toran reference, the Examiner's primary or principal reference, the Examiner recognizes that the Toran reference fails to show the ability of the bed to be shortened and extended as well as disengagement preventing means comprising hooks formed at tips of some of the connecting protrusions. Moreover, the Examiner recognizes that the Toran reference fails to show corresponding like accepting recesses having steps therein adapted to engage the hooks so that the hooks and steps are engaged with each other when the respective adjacent bars are kept furthest away from each other.

It is therefore apparent that the Examiner's primary reference of Toran completely fails to either disclose or recognize the importance of the above-identified features which are called for in

the claims herein.

In the spring mattress 2 disclosed by Toran, plural side by side bodies 6 and 7 are connected with each other by hinges 8 to allow rotation only, and blocking clamps 36 and holds 37 constitute rotation preventing means. In each of the rotation preventing means, the blocking clamp 36 is positioned in the holds 37 to prevent the corresponding hinge 8 from being rotated.

If the blocking clamp 36 of Toran is pulled and removed from the holds 37, the corresponding hinge can be rotated. This construction is functionally quite different from the disengagement preventing means provided as a component of the bendable bottom member of a bed as now called for in the claims herein. For example, Toran does not need the disengagement preventing means, since plural bodies 6 and 7 are connected by hinges 8. The disengagement preventing means of the present invention is integrally assembled with the side by side bars, respectively, and it is not intended to move the disengagement preventing means from the side by side bars.

On the contrary, the rotation preventing means of Toran for allowing the corresponding hinge 8 to be rotated, the blocking clamp 36 is manually and perfectly removed from the holds 37 of the bodies 6 and 7, for preventing the corresponding hinge 8 from being rotated. The blocking clamp 36 is also manually inserted into the holds 37 of the bodies 6 and 7. It is apparent that this operation disclosed by Toran is quite different from that of the present invention.

Recognizing the numerous deficiencies of the Toran reference, the Examiner then relies upon the secondary reference of Shirai. However, it is respectfully submitted that the disclosure of Shirai fails to cure the deficiencies of the Toran reference for the reasons discussed hereinafter.

The Shirai reference describes a bed construction in which the intervals between plural side by side bottom strips 8 can be adjusted as shown in Figs. 2, 4, and 5, and the plural side by side

bottom strips 8 are connected by coupling members 9. This construction is quite different from that now called for in the claims of the present application. That is, in the construction disclosed by Shirai, since the bottom strips 8 and the coupling members 9 can freely rotate and move at their joints, this construction has the disadvantage stated in items (a) and (b) in the "Background of the Invention" in the Specification on page 3, lines 3-25.

It is respectfully submitted that neither the Examiner's primary reference of Toran nor the secondary reference of Shirai disclose that the side by side bars can be adjusted in their intervals and can be rotated in one direction up to a predetermined angle. On the contrary, that teaching or suggestion comes only from the present application, and constitutes an important element or aspect of the present invention.

One of the issues presented in this rejection is whether the Examiner's combination of references renders the invention called for in the claims herein obvious under 35 U.S.C. § 103(a).

It is respectfully submitted that the answer to this issue is in the negative for a number of reasons. First, in order for a combination of references to render an invention obvious, it must be obvious that their teachings can be combined. In re Avery, 186 USPQ 161 (CCPA, 1975). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. In re Geiger, 2 USPQ 2d 1276 (CAFC, 1987); and In re Fine, 5 USPQ 2d 1596 (CAFC, 1988).

In the present case, it is respectfully submitted that there is no teaching, suggestion or incentive supporting the Examiner's combination of references.

The Examiner attempts to justify the combination of references on the basis that the Shirai reference teaches the bottom structure of a bed "similar" to that of Toran. It is respectfully submitted that the secondary reference of Shirai does not disclose a bottom structure of a bed

similar to that of Toran for a number of reasons. First, Toran discloses using a hinge connecting side by side bars 8 which are connected together by hinge pins 35. In contrast, Shirai discloses side by side bars 8 which are connected together not by a hinge as in Toran, but instead, by coupling members 9 having bulbous portions 11 at both ends of the coupling member 9 (Figs. 2-4 and 6-8), or rectangular portions 14 as in Fig. 5 of Shirai.

Further, it is respectfully submitted that the bulbous portions 11 of Shirai would not suggest this structure is equivalent to a disengagement hook formed at tips of some of the connecting protrusions as called for in the claims herein.

Additionally, it is respectfully submitted that the coupling grooves 10 of Shirai are not equivalent to corresponding recesses 22b of the present invention which are adapted to engage hooks 21b.

Moreover, it is respectfully submitted that the secondary reference of Shirai does not disclose that one of the structures disclosed therein can be shortened or extended. In this regard, Fig. 4 of Shirai shows two configurations of coupling members having different sized links. This suggests that to increase the flexure of the bed, it would be necessary to change coupling members, i.e., modify the structure, to use a larger coupling member 9 in order to obtain greater flexure of the bed.

Considering these numerous manifest differences between the bed bottom of Toran and that of Shirai, it is respectfully submitted that these references would not suggest to one of ordinary skill in the art to combine these references in the manner suggested by the Examiner. For these reasons, it is respectfully submitted that the rejection fails, as a matter of law, in view of the above authorities. Consequently, the Examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

The Examiner's citation of references as entered on page 7 of the Office Action is noted, the

Examiner apparently recognizing that these references are irrelevant inasmuch as the Examiner has not predicated a rejection thereon.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance and early action and allowance thereof is accordingly respectfully requested. In the event that there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

Respectfully submitted,

TOWNSEND & BANTA

A handwritten signature in black ink, appearing to read "Donald E. Townsend", written over the printed name.

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Date: April 11, 2005

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